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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,545	12/29/2000	Michael S. Ripley	42390P9905	1443

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James Henry
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,545

Applicant(s)

RIPLEY, MICHAEL S. *RS*

Examiner

Thomas M Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11, 13-17, 19, 20, 22-29 rejected under 35 U.S.C. 102(e) as being anticipated by Lotspiech, US patent 6,609,116.

In reference to claim 11:

While Lotspiech does not disclose the specific details regarding the structure of a media key block. Lotspiech discloses the use of a Media Key Block record.

These structural elements of the Media Key Block record was omitted as they are taken to be well known by those in the art. The specific details, while not explicitly disclosed, are necessary elements and understood to be present. Consequently, Lotspiech anticipates the following details of the Media Key Block that Applicant has disclosed as being well known in art.

- Reading a first record containing header information for one or more media key records, where the header is understood to be part of the media key record. (Figure 8) & (“Background of the invention” Lines 1-10)
- Accessing at least one of the one or more media key records. (Figure 8)

In reference to claim 13:

(“Background of the Invention”, Page 4, Lines 1-20) discloses the method of claim 11, wherein the accessing at least one of the one or more media key records comprises:

Seeking the physical location of the at least one media key record on a physical media.

In reference to claim 14:

(“Background of the Invention”, Page 4, Lines 1-20) discloses the method of claim 11, wherein the accessing at least one of the one or more media key record comprises:

Reading the at least one media key record from a physical media.

In reference to claim 15:

Lotspiech (Figure 8) discloses the method of claim 11, further comprising:

Calculating a media key from the information in the at least one media key record.

In reference to claim 16:

Lotspiech (Figure 8) discloses the method of claim 15, wherein only the necessary records to calculate the media key are accessed.

Claim 17 is rejected for the same reasons as claim 11.

Claim 19 is rejected for the same reasons as claim 13.

Claim 20 is rejected for the same reasons as claim 15.

Claim 22 is rejected for the same reasons as claim 16.

In reference to claim 23:

Lotspiech discloses a device comprising:

- A machine-readable physical media. (Specification (Figure 1, Prior Art) & Lotspiech (Figures 1, 8))
- A media key block, including one or more media key records, contained within the physical media (Specification (Figure 2d, Prior art) & Lotspiech (Figure 8))
- A first record, within the physical media, including header information for at least one of the one or more media key records. (Specification "Background of the Invention", Page 4, Lines 1-10)

In reference to claim 24:

Lotspiech (Column 1, lines 25-30) discloses the method of claim 4, wherein the physical media is a digital versatile disk (DVD) compliant media.

Claims 25 and 26 are rejected for the same reasons as claim 24.

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In reference to claim 27:

Lotspiech (Figure 8, Item 70) discloses the device of claim 26, wherein the digital data contained within the physical media is encrypted.

In reference to claim 28:

Lotspiech (Figure 9) device of claim 26, wherein the digital data contained within the physical media can only be decrypted by calculating a media key from data within the at least one of the one or more media key records.

In reference to claim 29:

Lotspiech (Figure 8, Item 70) discloses the device of claim 23, wherein the physical media is logically divided into at least one block, where the at least one block is can either be the data block or the media key block.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 12, 18, 21, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotspiech, US patent 6,609,116 and Capps, US patent 6397311.

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In reference to claim 1:

Lotspiech (Figure 8, and Figure 9) discloses the use of media key blocks used to encrypt content and decrypt content in particular players in the context of DVDs (Column 1, lines 25-30)

Lotspiech fails to disclose a method comprising:

Formatting a media key block to include a first record containing header information for media key records

Adjusting the length of the media key records to guarantee that individual key data in each media key record is contained in a single data transfer unit of the given media.

Capps however, discloses a method of defragmenting, which allows data on a drive to be formatted in such a way as to allow blocks of data to be arranged such that latency may be reduced and a block of data may be captured in a single data transfer unit. (Column 8, lines 10-25)

Capps (Column 1, lines 14-25) teaches that with regards to fragmenting, if the data files being read require reading from another location on the medium, that the additional read/writes results in reduced performance.

It would have been obvious to one of ordinary skill in the art to apply defragment formatting to media key blocks in order to reduce their read latency.

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In reference to claim 2:

Neither Lotspiech nor Capps discloses the specific details regarding the structure of a media key block. Lotspiech discloses the use of a Media Key Block record.

These structural elements of the Media Key Block record was omitted as they are taken to be well known by those in the art. The specific details, while not explicitly disclosed, are necessary elements and understood to be present. Consequently, Lotspiech anticipates the following details of the Media Key Block that Applicant has disclosed as being well known in art.

Specification (Figure 2d) discloses the method of claim 1 as prior art wherein media key record headers contain a length field.

In reference to claim 3:

Specification (Figure 2d) discloses the method of claim 1, wherein media key record headers include a column field.

Claim 4 is rejected for the same reasons as claim 5.

In reference to claim 5:

Lotspiech (Column 1, lines 25-30) discloses the method of claim 4, wherein the physical media is a digital versatile disk (DVD) compliant media.

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Claim 6 is rejected for the same reasons as claim 5.

In reference to claim 7:

Specification ("Background of the Invention", Page 4, Lines 1-10) discloses the method of claim 1, wherein the first record containing header information for media key records is the first record of the media key block.

Claim 8 is rejected for the same reasons as claim 2.

In reference to claim 9:

Capps (Column 8, lines 10-25) discloses the method of claim 1, wherein adjusting the length of the media key records to guarantee that individual key data in each media key record is contained in a single data transfer unit comprises aligning one or more fields to guarantee that they are contained within a single data transfer unit.

Claim 10 is rejected for the same reasons as claim 9.

In reference to claim 12:

Lotspiech fails to disclose the method of claim 11, further comprising:

Determining which one of the one or more media key records should be accessed based on the header information found in the first record.

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Capps (Figure 1, Boot Block) discloses determining which one of the one or more files should be accessed based on the header information found in the first record.

The Examiner takes official notice that determining which one of the one or more files should be accessed based on the header information found in the first record was also well known to those of ordinary skill in the art known as a boot sector. The advantage this provides is that, one can know the boot sector will be accessed every time. Therefore, one can decide which files ought to be accessed when a computer starts up by virtue of being in the boot sector.

It would have been obvious to one of ordinary skill in the art at the time of invention to determining which one of the one or more media key records should be accessed based on the header information found in the first record by applying the method of Capps to media key records, because serves as a reference point from which the needed data is always accessed.

Claim 18 is rejected for the same reasons as claim 12.

In reference to claim 21:

Lotspiech fails to explicitly disclose the machine-readable medium of claim 20, further comprising:

Verifying the calculated media key to determine if a match has been found.

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The Examiner takes official notice that it was well known at the time of invention to verify calculated information to determine if a match has been found.

It would have been obvious to one of ordinary skill in the art at the time of invention to verify the calculated media key to determine if a match has been found in order to validate they key as being new.

Claim 30 is rejected for the same reasons as claim 9.

Conclusion


6. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (703)305-8029. The examiner can normally be reached on M-F from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703)308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5484.

TMH

September 29th, 2004


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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